

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION

CLAYTON VESEY, JR.,

Movant,

vs.

UNITED STATES OF AMERICA.

No. C09-0044-LRR
No. CR01-0050-LRR

ORDER

This matter appears before the court on Clayton Vesey, Jr.'s motion to address additional related 2255 issues (civil docket no. 5), filed on January 8, 2013, supplement (civil docket no. 7), filed on January 30, 2013, second supplement (civil docket no. 8), filed on February 20, 2013, and motion for discovery (civil docket no. 9), filed on March 4, 2013. In March of 2009, the court informed Clayton Vesey, Jr. ("the movant") that he needed to move the Eighth Circuit Court of Appeals for authorization allowing the court to file and consider a second 28 U.S.C. § 2255 motion and cited 28 U.S.C. § 2244(b)(3)(A), which provides:

Before a second or successive application permitted by this section is filed in the district court, the applicant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application.

The movant sought such permission in April of 2009, but the Eighth Circuit Court of Appeals denied his request. The rule that requires him to seek authorization before seeking relief under 28 U.S.C. § 2255 still applies. Accordingly, the court lacks jurisdiction to review the movant's motion to address additional related 2255 issues (civil docket no. 5), the supplement (civil docket no. 7) or the second supplement (civil docket no. 8). The

movant's motion to address additional related 2255 issues (civil docket no. 5) is dismissed and the motion for discovery (civil docket no. 9) is denied.

IT IS SO ORDERED.

DATED this 5th day of March, 2013.



LINDA R. READE
CHIEF JUDGE, U.S. DISTRICT COURT
NORTHERN DISTRICT OF IOWA